

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF FEBRUARY 26, 2007**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Supervisor Mathis called the meeting to order at 7:30 p.m.

Present: Mathis, Krug, Carmody, Brown, Goupil, Tucker, Zimmer, Attorney Cooley
and Operations Manager Broecker.

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Supervisor Mathis announced that the public hearing and first reading of the BVM rezoning has been postponed to the 3/19/07 meeting. Motion to approve the 2/26/07 Fenton Township Board Meeting agenda as amended.

Motion by: Krug

Seconded: Tucker

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 2/5/07 regular meeting and the 2/12/07 special "Town Hall" meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Tucker

Seconded: Zimmer

Ayes: Mathis, Krug, Carmody, Brown, Goupil, Tucker, Zimmer

Nays: None

Motion carried.

PUBLIC HEARINGS:

Rezoning #R07-001, BVM Development, LLC.; parcels 06-01-300-003, 06-01-300-035, 06-01-300-036, 06-01-400-011, 06-01-400-015, 06-01-400-018 and part of 06-01-400-019 & 06-01-400-021, (near the southwest corner of Fenton & Thompson Roads); AG & R-3 to PUD/Public Hearing & 1st Reading

Postponed to the 3/19/07 meeting.

REPORTS:

Loose Senior Citizen Center Update

Les Scott, Fenton Township representative on the Loose Senior Citizen Center (LSCC) board of directors, updated the board on center activities:

The LSCC Board of Directors recently adopted changes to their by-laws to expand the number of directors from 10 to 13. Attorneys for both the City of Fenton and Fenton Township have issued legal opinions that this change could not be done without first amending the Interlocal Agreement with the communities. The LSCC attorney has stated that, as a non-profit corporation, the LSCC does have that authority. A meeting with

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officials from the City of Fenton, Fenton Township and the LSCC is being scheduled to discuss this issue further.

Mr. Scott has been placed on the Strategic Planning/Marketing Committee. This committee will be reviewing plans to expand both activities and the center. As a new member he is still working on getting up to speed on current issues.

The LSCC board is considering creating a full-time activities director position for the center. Several board members expressed concern that tax dollars are being used to create new staff positions rather than spent on senior programs.

Trustee Zimmer questioned the LSCC service area map. She pointed out that approximately $\frac{3}{4}$ of the service area lies outside of Genesee County, while all of the funding for the center comes from inside the county. This does not appear to be equitable.

The board also discussed the issue of the new county-wide tax for senior services. It appears that all existing senior centers will receive a specific amount of the funds this year. Other funds will be available through a grant application process through the County.

Fenton Lakes Sportsman's Club Update

Supervisor Mathis reviewed a proposed timeline for the Fenton Lakes Sportsman's Club (FLSC) to complete the construction of a bullet catcher on their 50-yard shooting range. This was developed by Township and our attorney, based on discussions with FLSC officials, and their attorney. The proposed provisions are as follows:

1. The FLSC shall complete a project to construct/install a bullet catcher on their 50-yard shooting range within 90 days of April 1, 2007. The bullet catcher shall be constructed/installed according to NRA range standards.
2. In the event that the FLSC has not completed the project within the time specified as a result of factors beyond their control, and if the FLSC has been diligently pursuing completion of the project, the Township will consider granting reasonable extensions.
3. The FLSC will make the necessary arrangements to have an NRA compliance inspection completed at least once every five years, as recommended by the NRA Range Manual, and forward a copy of the inspection report to the Township.

Trustees Brown and Goupil expressed concern that the installation of the bullet catcher may not completely resolve the issues raised by the residents. It will not prevent someone from shooting up over the bullet catcher, which could result in bullets landing on neighboring properties. Supervisor Mathis clarified that the Township has very little, if any, authority in this matter. The FLSC has agreed to install the bullet catcher and it appears that this will satisfy the neighbors.

Motion to approve the timeline provisions for the construction of a bullet catcher on the 50-yard range for the Fenton Lakes Sportsman's Club as presented.

Motion by: Carmody

Seconded: Mathis

Ayes: Mathis, Krug, Carmody, Zimmer

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Nays: Brown, Goupil
Abstaining: Tucker
Motion carried.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Resolution No. 2007-09, Sewer Bond Refunding Contract

Operations Manager Broecker reviewed a proposed refunding contract with Genesee County to refinance a 1998 sewer bond issue. It is estimated that this refunding will save the Township over \$100,000 in interest costs over the life of the bonds.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2007-09

WHEREAS, pursuant to Act 342, Public Acts of Michigan, 1939, as amended ("Act 342"), the County of Genesee (the "County") has established a system of sewer and sewage disposal improvements and services known as "Genesee County Sewage Disposal System No. 3" (the "System") to serve the Charter Township of Fenton (the "Township"), and other municipalities in the County; and

WHEREAS, pursuant to Act 342, the Genesee County Board of Commissioners has designated the Genesee County Drain Commissioner as the County Agency (the "County Agency") for the supervision and control of the management and operation of the System; and

WHEREAS, pursuant to Act 342, the County, acting through the County Agency, and the Township, the City of Linden and the City of Fenton (the Township, the City of Linden and the City of Fenton hereinafter referred to collectively as the "Local Units") previously entered into the Genesee County Sewage Disposal System No. 3 1996 Improvements Contract, dated as of January 1, 1996 (the "Contract"), for the purpose of acquiring and constructing improvements to the System, as more particularly described in the Contract; and

WHEREAS, pursuant to the Contract and Act 342, the County previously issued its Sewage Disposal System No. 3 Bonds, Series 1998, dated July 1, 1998, in the aggregate original principal amount of \$7,140,000 (the "1998 Bonds") for the purpose of paying a portion of the cost of constructing the improvements to the System described in the Contract; and

WHEREAS, the 1998 Bonds maturing April 1, 2009 and thereafter are subject to optional redemption on any interest payment date on or after April 1, 2008 (the 1998 Bonds subject to optional redemption hereinafter referred to as the "Prior Bonds"); and

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WHEREAS, the County and the Local Units have been advised that conditions in the bond market have now improved to the point that all or a portion of the Prior Bonds could be refunded at a savings; and

WHEREAS, Part VI of Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”), permits the County to refund all or part of its outstanding securities; and

WHEREAS, the County Agency and the Local Units have determined that it is in the best interests of the Local Units and the County to refund all or part of the Prior Bonds through the issuance by the County of refunding bonds (the “Refunding Bonds”); and

WHEREAS, a Refunding Contract (the “Refunding Contract”) has been prepared pursuant to the authority of Act 342 and Act 34 providing for the implementation of such refunding program and for other details in connection therewith, said Refunding Contract being attached hereto as Exhibit A and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Refunding Contract among the County of Genesee, by and through its County Agency, the Township, the City of Fenton and the City of Linden, in the form attached hereto as Exhibit A, is hereby accepted and approved, and the Township Supervisor and Township Clerk are authorized and directed to execute and deliver the Refunding Contract for and on behalf of the Township.
2. The Township does hereby ratify and confirm its covenant in the Refunding Contract to levy ad valorem taxes against all taxable property in the Township to the extent necessary to meet the obligations of the Township thereunder and does further indicate its purpose and intent to make such a levy annually as necessary to meet the Township’s obligations under the Refunding Contract; provided, however, that such levy, if necessary, shall be within constitutional, statutory and charter tax rate limitations.
3. The Refunding Contract shall become binding and effective upon satisfaction of the conditions described in Section 15 of the Refunding Contract.
4. The Township Supervisor is hereby authorized and directed to file necessary qualification information for the Refunding Bonds with the Michigan Department of Treasury in accordance with Act 34, or if qualification is not available, to request an order giving prior approval for the Refunding Bonds, and to request any necessary waivers from the Department.
5. The Township Supervisor, Treasurer, Clerk and Deputy Clerk are each hereby authorized to execute on behalf of the Township any closing documents or certificates as may be required by the County or the purchaser of the Refunding Bonds and to do all other acts and take all other necessary procedures required to effectuate the sale, issuance and delivery of the Refunding Bonds.
6. The Township Supervisor, Treasurer and Clerk are hereby authorized to prepare, approve and distribute information describing the Township to be used by the

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County in connection with the preparation and distribution by the County of a preliminary official statement and final official statement describing the Refunding Bonds, and to deem such information final for the purpose of enabling the purchaser of the Refunding Bonds to comply with the requirements of Rule 15c2-12 promulgated by the United States Securities and Exchange Commission (the "Rule").

7. The Township hereby covenants to provide or cause to be provided a Continuing Disclosure Undertaking in accordance with the requirements of the Rule to provide or cause to be provided certain information to each nationally recognized municipal securities information repository and to the appropriate state information depository for the State of Michigan. The Township Supervisor and Treasurer are each individually authorized to execute and deliver a Continuing Disclosure Undertaking satisfying the requirements of the Rule in connection with the delivery of the Refunding Bonds.
8. The Township hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the Refunding Bonds from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended, including, but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of Refunding Bond proceeds and moneys deemed to be Refunding Bond proceeds.
9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Motion to adopt Resolution No. 2007-09 as presented.

Motion by: Krug

Seconded: Mathis

Ayes: Mathis, Krug, Carmody, Brown, Goupil, Tucker, Zimmer

Nays: None

Motion carried. Resolution declared adopted.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Dave Franz, 3435 Breezepointe Court

Mr. Franz asked for a clarification regarding whether the Fenton Lakes Sportsman's Club is a gun club or a sportsman's club or a police training facility. Trustee Brown pointed out that the tactical shooting exercises conducted by the police agencies are considered a sport. It was also clarified that, under Michigan law, it is considered a shooting range.

Mr. Franz also noted that a recently denied lot split was on the ZBA agenda for 2/27/07. Operations Manager Broecker clarified that the property owner's attorney is make sure all administrative remedies are exhausted before initiating any legal proceedings.

Beth Redmond, 12044 Princewood

Ms. Redmond asked when the next NRA inspection would take place at the FLSC. Supervisor Mathis responded that the FLSC has indicated that they will request an inspection after the bullet catcher is in place.

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Sue Foland, 11421 Fairbanks Road

Ms. Foland stated that she feels simply requiring the installation of a bullet catcher is not enough. What happens if someone still gets injured by a stray bullet? Supervisor Mathis again clarified that the Township's authority in this situation is very limited. Clerk Krug pointed out that the provisions approved by the board do address the concerns raised by the residents.

Les Scott, 12499 Margaret Drive

Mr. Scott stated that, in his opinion, police officers are much less likely to be the cause of any stray bullets from the shooting ranges.

ADJOURN: Meeting adjourned at 8:20 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 2/27/07